Remarks

In the above captioned office action claims 1-3, 9-11, 34-36, and 42-44 have been rejected.   Claims 1-4, 7-16, 34-37 and 39-49 have been amended. On page 2 of the above captioned office action the Examiner requests affirmation of election of claims. The applicants herein affirms election of claims 1-17 and 35-50 without traverse and respectfully request a timely examination of the elected claims. Further, the applicants preserve the right to pursue cancelled claims 18-33 in a divisional application.

Claim Amendments

Applicants have amended claims 1-4, 7-16, 34-37 and 39-49.   As such, Applicants submit that these claim amendments add no new matter, and are therefore consistent with 35 USC §112 first paragraph.

Claim Rejections under 35 U.S.C. § 103(a)

On page 3 item 1 of the Office Action the Examiner states claims 1-3, 9-11, 34-36, and 42 - 44 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Medvinsky et al (US Patent 2003/0093694)(hereinafter "Medvinsky"), in view of Sirbu et al (US Patent 5,809,144)(hereinafter "Sirbu").

As previously indicated, the rejection has been noted and the claims have been amended in an effort to even more clearly define the invention of the instant application. Applicant respectfully requests reconsideration of this rejection .

In rejecting original claim 1, the Examiner cited *Medvinsky* for the proposition that *Medvinsky* teaches most of the features of original claim 1. *Medvinsk* teaches " A digital rights management architecture for securely delivering content to authorized consumers." (Medvinsky abstract). Once authorization has taken place "The caching

server forwards the requested content to the consumer system…"(Medvinsky abstract). *Medvinsky* teaches authentication of a consumer system by using a Key Distribution Center, allowing the consumer system to communicate with the caching server so that all communictaion is encrypted and the caching server can verify and validate the consumer system. The caching server then "employs real time streaming for securely forwarding the encrypeted content…" (Medvinsky abstract), to the consumer system. The use of the caching servers "are to move the content closer to the edges of the IPRM system 200. This improves the streaming performance…" (Medvinsky Page 3, Para 30). *Medvinsky* teaches moving the digital content to the server closest to the consumer and then streaming encrytped content from the closest caching server to the consumer to improve the streaming performance.

Medvinsky does not teach or suggest "…determining by a granting service a number of servers designated to provide the requested service;

for each providing server, <u>encrypting by the granting service the session key with a secret key associated with each respective server</u>;

creating by the granting service a Service Ticket that includes an encrypted session key <u>for each providing server</u>…"(Claim 1 of the instant application). *Medvinsky* specifically teaches communicating between a consumer system and the caching server and providing encrytped digital content to the consumer system from the caching server. Providing a session key for each determined server designated to provide a requested service with an associated secret key for each respective designated server, is not discussed in *Medvinsky*. Whereas in the invention, for every determined server for a requested service, a session key associated with each providing server allows the client machine to communicate with which ever sever it has been designated to. All of the communication thereby being encrypted and each server being able to validate and verify the client with it's own specific server session key. Thus this allows a network the ablility for load balancing, without having to share a single session key amoungst multiple servers, or having to propagate and synchronize a single password amoungst multiple servers. Thus allowing for increased

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security of the server pool, for example, compromising one server does not allow access to the rest of the server pool.

Medvinsky is interested in moving the digital media to the closest caching server increasing the proximity to consumer system, thereby increasing the performance of the streaming media to the consumer system. The communication between the delivering caching server and the consumer system being encrypted. Medvinsky does not teach or suggest secure encrypted load balancing by being able to direct a client system to a specific servers, where the client has an security key for each server. Further, one having ordinary skill in the art would not have found suggestion to modify the teachings of Medvinsky . This allows the client to move from server to server in a secure manner, without having to propogate keys amongst the servers, and secures each server from all the available servers.

In "Claim Rejections – 35 USC § 103," item 1 on page 3 of the above-identified Office Action, claims 1 have been rejected as being obvious over Medvinsky in view of Sirbu under 35 U.S.C. § 103(a).

Sirbu does not remedy the above-discussed deficiencies of Medvinsky. Accordingly, claim 1 remains patentable over Medvinsky, even when combined with Sirbu.

Thus, the teachings of Medvinsky in view of Sirbu cannot be modified in order to read upon the invention as embodied in Claim 1. Further, one having ordinary skill in the art would not have found suggestion to modify the teachings of Medvinsky in view of Sirbu such that it would read upon the invention as embodied in amended claim 1.

It is accordingly believed to be clear that the reference does not show or suggest the features of amended claim 1. Claim 1, therefore, believed to be patentable over Medvinsky in view of Sirbu under 35 USC § 103(a).

Independent 34 contain similar recitations to claim 1 and, for at least the reason cited above, the applicant respectfully submits that claim 34 is patentable over *Medvinsky* in view of *Sirbu* under 35 USC § 103(a). Reconsideration and allowance is respectfully requested.

Claims 2 and 3 depend from claim 1, incorporating its limitations, and are for at least the reasons cited above, also patentable over *Medvinsky* in view of *Sirbu* under 35 USC § 103(a).

Claims 35 and 36 depend from claim 34, incorporating its limitations, and are for at least the reasons cited above, also patentable over *Medvinsky* in view of *Sirbu* under 35 USC § 103(a).

Independent claims 9 and 42 contain in substance the same limitations as claim 1. Also, claims 10 and 11 depends from claim 9 ; claims 43 and 44 depend from claim 42; each incorporating the limitations of the claim from which they depend. Therefore, for at least the same reasons as claim 1, Applicants submit that claims 9 -11 and 42 - 44 are also patentable over the combination *Medvinsky* in view of *Sirbu*.

Therefore, for at least these reasons, claims 1-3, 9-11, 34-36, and 42-44 remain patentable over *Medvinsky* in view of *Sirbu* either standing alone or in combination with what is known to people skilled in the art under 35 U.S.C. §103(a).

Allowable Subject Matter

On page 3 of the above-captioned office action, Examiner has objected to claims 4-8, 12-17, 37-41 and 45-50. Applicants thank Examiner for indicating that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Claims 4-8, 12-17, 37-41 and 45-50 each depend on one of independent claims 1, 9, 34 and 42, incorporating their limitations. Applicant has submitted that these independent claims are patentable over the prior art. Thus, Applicant respectfully requests that claims 4-8, 12-17, 37-41 and 45-50 be placed into a condition for allowance in light of the remarks above.

Conclusion

As a result of the amendments made herein, Applicant submits that claims 1-17 and 34-50 are in condition for allowance. Accordingly, a Notice of Allowance is respectfully requested. If the Examiner has any questions concerning the present paper, the Examiner is kindly requested to contact the undersigned at (206) 407-1518. If any fees are due in connection with filing this paper, the Commissioner is authorized to charge the Deposit Account of Schwabe, Williamson and Wyatt, P.C., No. 50-0393.

Respectfully submitted,

SCHWABE, WILLIAMSON & WYATT, P.C.

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/William A. Holmes/
William A. Holmes
Reg. No. 59,024

Pacwest Center, Suite 1900
1211 SW Fifth Avenue
Portland, Oregon 97204
Telephone: (503)222-9981

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